

## MERCHANT & GOULD P.C.

## **United States Patent Application**

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

	subject matter wh	ch is claimed and for			joint inventor (if plural ii ion entitled: HIGH COH.	
The specification of which is attached hereto by second was filed on as described and claimed in finited States patent.	s application serial		• •		of a PCT-filed application eviewed and for which I so	
hereby state that I have my amendment referred		erstand the contents o	of the above-identified sp	ecification, in	cluding the claims, as amo	ended by
hereby claim foreign precrificate listed below are hat of the application on in [X] no such applications by the such applications by the hereby claims and the such applications by the hereby claims are hereby claims.	nd have also identi the basis of which ns have been filed	fied below any foreig priority is claimed:	tates Code, § 119/365 of gn application for patent o	any foreign ap or inventor's c	pplication(s) for patent or a crificate having a filing d	inventor's late before
	FOREIGN API	PLICATION(S), IF ANY	CLAIMING PRIORITY U	NDER 35 USC §	119	
COUNTRY	APPLIC	ATION NUMBER	DATE OF FILING (day, month, year)		DATE OF ISSUE (day, month, year)	
· · · · · · · · · · · · · · · · · · ·	ALL FOREIGN APP	LICATION(S), IF ANY,	FILED BEFORE THE PRIC	ORITY APPLIC	ATION(S)	
COUNTRY	1	ATION NUMBER	DATE OF FILING (day, month, year)		DATE OF ISSUE (day, month, year)	
elow and, insofar as the nanner provided by the f	subject matter of a subject matter of a subject matter of a subject of Federal Regula	each of the claims of litle 35, United States tions, § 1.56(a) whic	this application is not dis s Code, § 112, I acknowle	sclosed in the pedge the duty	international application() orior United States applica to disclose material inform the prior application and th	ation in the
U.S. APPLICATION NUMBER		DATE OF FILING (day, month, year)		STATUS (patented, pending, abandoned)		
hereby claim the benefit	t under Title 35, U	nited States Code § 1	19(e) of any United State	es provisional	application(s) listed below	
UN PROVE	SIONAL APPLICAT	ION NI MBI R	1)	ATLOLIUING		

Lacknowledge the duty to disclose information that is material to the patentability of this Lagrentian in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

## § 1.56 Duty to disclose information material to patentability.

or

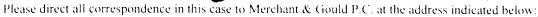
- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

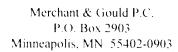
A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Thereby appoint the following attorney and or patent agent(s) to prosecute this applicate and to transact all business in the Patent and Trademark Office connected herewith:

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	ere		







Thereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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